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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,616	11/27/2000	Toshiaki Hirata	500.36716CX1	5300

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,616

Applicant(s)

HIRATA ET AL.

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005 and 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 25-34 is/are allowed.
- 6) ☒ Claim(s) 14-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor in view of Chou et al., USPN 5,902,352 (hereafter referred to as Chou).

3. Regarding claim 14, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);

a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53).

Kisor does not specifically teach a managed computer comprising an integrated managing agent portion or a managing computer comprising an integrated management screen display portion. However, Chou taught an integrated managing screen display portion displaying a state of management by the managing computer on a screen (management GUI), wherein said integrated managing screen display unit changes the screen to display details of an operation execution state on a relevant managed computer including any of a list of defined jobs, a list of jobs under execution and information of past execution history responsive to designation of specified managed computer on a display screen displays a configuration of a set of computers (column 27, lines 18-25), and designates a specified message on a relevant screen from a monitoring screen displaying a message an operation state of an execution result of an

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operation system or a computer system to display on another screen of the same console (column 27, lines 25-31), and displays a configuration screen of a set of computers including managed computers related with said message or displays an operation configuration screen related with said message (column 27, lines 48-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Chou's integrated management screen in Kisor's system for assigning tasks would have improved system administration. The motivation would have been to provide an improved method of scheduling of assigned tasks.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor in view of Behm et al., USPN 5,414,845 (hereafter referred to as Behm).

5. Regarding claim 15, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);

a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53). Kisor does not specifically teach an integrated managing screen display unit displaying a state of management by the managing computer on a screen. However, Behm taught an integrated managing screen display unit displaying a state of management by the managing computer on a screen (operation interface 18), wherein said integrated managing screen unit relates to a particular computer with an operation executed on the computers switching a monitoring screen displayed by an operation monitoring unit and a monitoring screen displayed by a computer monitoring unit alternately for display to manifest the relation between the operation and the computer (column 5, lines 40-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Behm's switching between monitoring screens in Kisor's

system for assigning tasks would have improved system administration. The motivation would have been to display to the network manager as much information as is available.

Allowable Subject Matter

6. Claims 13, 25-34 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest that an integrated managing screen display unit displays process symbols each of which indicates said specified execution order of operation process and displays color of each said process symbol which indicates execution condition based on the operation definition information and execution condition information outputted by the control unit of managing computer, displays each computer symbol indicates the managed computer and a connection relationship among the managed computers by links among said computer symbols as recited in the claims as argued by applicant on July 5, 2005.

Response to Arguments

8. Applicant's arguments filed July 5, 2005 and July 8, 2005 have been fully considered but they are not persuasive.
9. Applicant argues – "Thus, Chou does not teach or suggest an integrated managing screen display unit that display process symbols each of which indicates each said extracted operating process and link with directions among said process symbols indicates said retrieved execution order of operation process and color of each

said process symbol indicates execution condition based on the execution condition information as recited in the claims.”

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., process symbols indicating an extracted operating process and colors of process system indicating execution condition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. Applicant argues – “In particular, Chou does not teach or suggest GUI which shows order of processes as in the present invention.”

12. The examiner disagrees as with applicant assertion. As stated in the rejection above, Chou taught a GUI which shows the order of processes as recited in the claimed invention.

13. Applicant argues – “...Behm fails to teach or suggest an integrated managing screen display unit which display both process symbols each of which indicates each operating process and link with directions among said process symbols indicates said specified execution order of operation process and displays color of each of said process symbol indicates execution condition based on the operation definition information and execution condition information outputted by the control unit of managing computer, displays each computer symbol indicates the managed computer and a connection relationship among the managed computers by links

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among said computer symbols as recited in the claims.”

14. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., process symbols indicating an extracted operating process and colors of process system indicating execution condition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. Applicant argues – “Each of the above noted references also fail to teach or suggest a memory unit ... and a control unit ... as recited in the claims.”

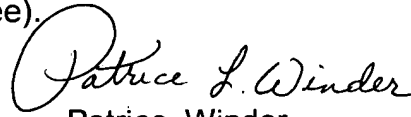
16. The examiner disagrees as with applicant assertion. As stated in the rejection above, the combination of Kisor, Mayo, Chou and/or Behm teaches a memory unit ... and a control unit ... as recited in applicant's claims.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

September 30, 2005